

REMARKS

Status of the Claims

Claims 1-16 and 21-23 are pending in the present application. Claim 24 has been cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 1-3, 5, and 21-23 have been amended as described elsewhere herein. The amendments to these claims are supported by the originally filed claims and specification including, for example, on line 23 of page 8, line 4 of page 9, and lines 3-6 of page 2. No new matter has been added by way of amendment. Reconsideration of the rejection of the claims is requested in view of the following remarks.

The Objections to the Specification Should be Withdrawn

The Examiner has objected to the title of the invention on the grounds that it is not sufficiently descriptive of the invention. The title has been amended to more clearly reflect the subject matter encompassed by the currently-pending claims, thereby obviating the objection

The Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures

The specification has been objected to on the grounds that it contains an amino acid sequence but no sequence listing has been submitted. Applicants attach herewith a sequence listing containing the peptide sequence listed on page 115. The specification has also been amended to include the sequence identifier for this peptide. Applicants request that the attached sequence listing be entered into the specification.

The Rejection Under 35 U.S.C. §112, First Paragraph, Should be Withdrawn

Claims 1-16 and 21-24 have been rejected under 35 U.S.C. §112, first paragraph, on the grounds that the specification does not provide sufficient enablement for solvates and physiologically functional derivatives of compounds of Formula (I). Claim 24 has been cancelled, rendering the rejection of this claim moot. Applicants respectfully disagree with the rejection of claims 1-16 and 21-23 on the grounds that one of ordinary skill in the art could generate the recited solvates and physiologically functional derivatives in view of the state of the art and the guidance provided in the specification. See, for example, line 29 of page 15 through line 11 of page 16.

Nevertheless, in order to expedite prosecution, claims 1, 2, and 21-23 have been amended to delete these terms, thereby obviating the rejection.

Claims 23 and 24 have been rejected under 35 U.S.C. §112, first paragraph, on the grounds that the specification, while enabling the treatment of non-small cell lung cancer using the compounds recited in claim 1, does not provide sufficient enabling disclosure to allow one of skill in the art to use these compounds in a method of treating any disorder mediated by inappropriate activity of at least one or at least two erbB family kinases. Claim 24 has been cancelled, rendering the rejection of this claim moot. Applicants respectfully disagree with the rejection of claim 23. Applicants have demonstrated that compounds of the present invention inhibit the activity of ErbB kinase family members (see the Experimental Section), and this family of kinases has been shown to be associated with a number of disorders. See, for example, line 31 of page 1 through line 12 of page 2 of the specification and the references cited therein. Nevertheless, in order to expedite prosecution, claim 23 has been amended to recite a method of treating non-small cell lung cancer, thereby obviating the rejection.

In view of the above amendments, all grounds for rejection under 35 U.S.C. §112, first paragraph, have been obviated or overcome. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

The Rejection Under 35 U.S.C. §112, Second Paragraph, Should be Withdrawn

Claims 1, 3-16, and 21-24 have been rejected under 35 U.S.C. §112, second paragraph, on the grounds that the phrases "C₁-C₄ alkenylene" and "C₁-C₄ alkynylene" are unclear because it is not clear what is intended by a C₁ alkenylene or C₁ alkynylene group. In response, claims 1, 3, and 5 have been amended to recite particular alkenylene and alkynylene groups, thereby obviating the rejection.

In view of the above amendments, all grounds for rejection under 35 U.S.C. §112, second paragraph, have been obviated. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

CONCLUSION

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

If the Examiner has any outstanding issues with the pending claims, he is encouraged to telephone the undersigned at (919) 483-1467 for expeditious handling.

Respectfully submitted,



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